

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BANKIER, et al.

Serial No.: 10/029,638

Conf. No.: 5044

Filed: December 19, 2001

For: *HIGHLY AVAILABLE  
TRANSACTION FAILURE  
DETECTION AND RECOVERY  
FOR ELECTRONIC COMMERCE  
TRANSACTIONS*

Art Unit: 2161

Examiner: Unassigned

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label Number EL018382680US  
Date of Deposit January 6, 2003

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 C.F.R. §1.10 on the date indicated above and addressed to:

Commissioner for Patents  
U.S. Patent and Trademark Office, P.O. Box 2327,  
Arlington, VA 22202

01/06/03  
Date

  
Michael Lough

**INFORMATION DISCLOSURE STATEMENT IN ACCORDANCE  
WITH 37 C.F.R. §§ 1.97-1.98**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Sir:

Because this Information Disclosure Statement is filed prior to receipt of a First Office Action on the Merits for the above-captioned application; a fee for filing this statement should not be due. If, however, it is determined that a fee is due, any fees that may be due in connection with filing this paper may be charged to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§ 1.97-1.98. Forms PTO-1449 (1 page) and copies of the cited documents are provided herewith in connection with the above-captioned application.

The documents listed on the Form PTO-1449 and supplied herewith are in the English language. Hence, in accordance with the requirements of 37 C.F.R. § 1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

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**GROUP 3600**

**USSN 10/029,638**  
**BANKIER, et al.**  
**INFORMATION DISCLOSURE STATEMENT**

Applicant also makes known to the Examiner the following U.S. and International applications, which are commonly owned and/or have one or more inventors in common with the present application.

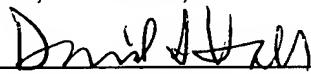
<u>U.S.S.N. (App. No.)</u>	<u>Filing Date</u>	<u>Docket No.</u>
09/437,637	11/10/99	0003
09/548,188	04/12/00	0003B
09/547,533	04/12/00	0004B
09/566,592	05/08/00	0004C
10/132,434	04/23/02	6065
10/188,626	07/01/02	6084
10/180,639	06/24/02	6149

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing references and make them of record in the file history of the above-captioned application.

\* \* \*

Respectfully submitted,  
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By:   
David A. Hall  
Registration No. 32,233

Attorney Docket No. 24657-6045  
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<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE STATEMENT</b> UNDER 37 CFR §1.56, §1.97, and §1.98 <b>PTO-1449 FORM</b>  Sheet 1 of 1	<b>ATTORNEY DOCKET NO.:</b> 24657-6045	<b>SERIAL NO.:</b> 10/029,638
	<b>APPLICANTS:</b> BANKIER, et al.	
	<b>FILING DATE:</b> December 19, 2001	<b>GROUP ART UNIT:</b> 2161

U.S. PATENT DOCUMENTS						
† EX'R INITIAL	*REF. #	PATENT NUMBER	DATE	NAME	U.S. CLASS/ SUBCLASS	FILING DATE (If appropriate)
	A	5,774,660	06/30/98	Brendel, et al.	395/200.31	08/05/96

FOREIGN PATENT DOCUMENTS					
† EX'R INITIAL	*REF. #	DOCUMENT NO.	DATE	COUNTRY	TRANSLATION (YES/NO)

OTHER DOCUMENTS	
† EX'R INITIAL	*REF. # CITATION (Author, Article Title, Journal/Book Title, Date, Pertinent Pages, etc.)
	B BEA Systems, Inc., "Achieving scalability and high availability for e-commerce and other web applications," June 1999
	C Cisco Systems, Inc., "Catalyst 6000 family accelerated server load balancing," (1999)
	D Harbaugh, L., "Get the low down: The inside facts on load-balancing routers and routing appliances," April 24, 2002
	E Intel Corporation, "Planning and building a data center: Meeting the e-business challenge," (2000)

EXAMINER'S SIGNATURE	DATE CONSIDERED
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† EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609. Line through citation if not in conformance and not considered. *Include copy of this form in next communication to applicant.*

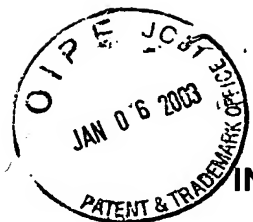
\* If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120. 37 C.F.R. 1.98(d).

**TITLE: HIGHLY AVAILABLE TRANSACTION FAILURE DETECTION AND RECOVERY FOR ELECTRONIC COMMERCE TRANSACTIONS**

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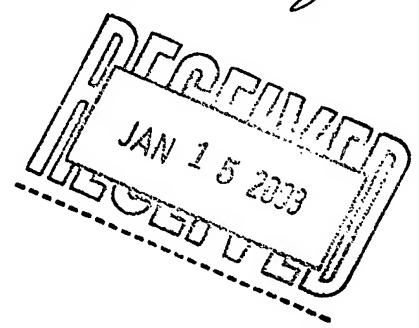
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01/06/03  
Date

Michael Lough

TRANSMITTAL LETTER

US Patent and Trademark Office  
PO Box 2327  
Arlington, VA 22202



Sir:

Transmitted herewith are an Information Disclosure Statement, Form PTO-1449 (1 page), and cited references for filing in connection with the above-identified application. Because this Information Disclosure Statement is filed prior to receipt of a first office action on the merits in the above-referenced application, no fee is due. However, should it be determined that a fee for filing these papers is required, the Commissioner is authorized to charge Deposit Account No. 05-1213, as stated below:

[ X ] The Commissioner is hereby authorized to charge any fees that may be due under 37 C.F.R. §§ 1.16-1.17 in connection with this paper or with this application during its entire pendency to Deposit Account No. 05-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,  
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By:   
David A. Hall  
Registration No. 32,233

Attorney Docket No. 24657-6045  
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EMAIL: dhall@hewm.com

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